

**Introduced by Committee on Education (Senators Scott (Chair),
Alquist, Denham, Dutton, Lowenthal, Maldonado, Morrow,
Romero, Simitian, Soto, Speier, and Torlakson)**

February 18, 2005

An act to amend Sections 8212, 8222, 8226, and 8352 of the Education Code, relating to child care.

LEGISLATIVE COUNSEL'S DIGEST

SB 512, as introduced, Committee on Education. The Child Care and Development Services Act.

The Child Care and Development Services Act was established to provide a comprehensive, coordinated, and cost-effective system of child care and development services for children to age 13 years and their parents, including a full range of supervision, health, and support services through full-and part-time programs.

The act establishes child care resource and referral programs, established to serve defined geographic areas and administered by public or private resource and referral agencies, to provide referrals to child care services and assistance to child day care providers. Among the child care programs within the act are alternative payment programs, which the act authorizes to provide payment to child care facilities with at least 75% subsidized children in prescribed circumstances, and the program for child care for CalWorks recipients.

Under existing law, once a program operating pursuant to the act notifies an entity operating an alternative placement program, or a program for child care for CalWorks recipients, of a revocation or a temporary suspension order, the entity, within two business days, is required to terminate payment to the licensed child day care facility and to notify the parents and the licensed child day care facility in

writing that payment has been terminated and the reason for the termination.

This bill would recast and revise those provisions and would require that each program operating pursuant to the act to provide the required notice within 2 days of being notified of a revocation or a temporary suspension order for a licensed child day care facility.

Under existing law, funds appropriated for purposes of the act, upon approval of the State Department of Education, may be used for alternative payment programs to allow for maximum parental choice, including subsidies, choices, whenever possible, among hours of servicers, and child care and development services according to parental choice.

Existing law requires that payments made by alternative payment programs be equal to the fee charged to full-cost families in each program. Existing law requires that currently funded agencies making payments in excess of the fee charged to full-cost families to come into compliance with this requirement by January 1, 1981.

This bill, instead, would prohibit an agency from making payments in excess of the fee charged to full-cost families.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8212 of the Education Code is amended
- 2 to read:
- 3 8212. For purposes of this article, child care resource and
- 4 referral programs, established to serve a defined geographic area,
- 5 shall provide the following services:
- 6 (a) Identification of the full range of existing child care
- 7 services through information provided by all relevant public and
- 8 private agencies in the areas of service, and the development of a
- 9 resource file of those services which shall be maintained and
- 10 updated at least quarterly. These services shall include, but not be
- 11 limited to, family day care homes, public and private day care
- 12 programs, full-time and part-time programs, and infant,
- 13 preschool, and extended care programs.
- 14 The resource file shall include, but not be limited to, the
- 15 following information:
- 16 (1) Type of program.

1 (2) Hours of service.

2 (3) Ages of children served.

3 (4) Fees and eligibility for services.

4 (5) Significant program information.

5 (b) (1) Establishment of a referral process which responds to
6 parental need for information and which is provided with full
7 recognition of the confidentiality rights of parents. Resource and
8 referral programs shall make referrals to licensed child day care
9 facilities. Referrals shall be made to unlicensed care facilities
10 only if there is no requirement that the facility be licensed. The
11 referral process shall afford parents maximum access to all
12 referral information. This access shall include, but is not limited
13 to, telephone referrals to be made available for at least 30 hours
14 per week as part of a full week of operation. Every effort shall be
15 made to reach all parents within the defined geographic area,
16 including, but not limited to, any of the following:

17 (A) Toll-free telephone lines.

18 (B) Office space convenient to parents and providers.

19 (C) Referrals in languages which are spoken in the
20 community.

21 Each child care resource and referral program shall publicize
22 its services through all available media sources, agencies, and
23 other appropriate methods.

24 (2) (A) Provision of information to any person who requests a
25 child care referral of his or her right to view the licensing
26 information of a licensed child day care facility required to be
27 maintained at the facility pursuant to Section 1596.859 of the
28 Health and Safety Code and to access any public files pertaining
29 to the facility that are maintained by the State Department of
30 Social Services Community Care Licensing Division.

31 (B) A written or oral advisement in substantially the following
32 form will comply with the requirements of subparagraph (A):

33 “State law requires licensed child day care facilities to make
34 accessible to the public a copy of any licensing report pertaining
35 to the facility that documents a facility visit or a substantiated
36 complaint investigation. In addition, a more complete file
37 regarding a child care licensee may be available at an office of
38 the State Department of Social Services Community Care
39 Licensing Division. You have the right to access any public
40 information in these files.”

(c) Maintenance of ongoing documentation of requests for service tabulated through the internal referral process. The following documentation of requests for service shall be maintained by all child care resource and referral programs:

(1) Number of calls and contacts to the child care information and referral program or component.

(2) Ages of children served.

(3) Time category of child care request for each child.

(4) Special time category, such as nights, weekends, and swing shift.

(5) Reason that the child care is needed.

This information shall be maintained in a manner that is easily accessible for dissemination purposes.

(d) Provision of technical assistance to existing and potential providers of all types of child care services. This assistance shall include, but not be limited to:

(1) Information on all aspects of initiating new child care services including, but not limited to, licensing, zoning, program and budget development, and assistance in finding this information from other sources.

(2) Information and resources that help existing child care services providers to maximize their ability to serve the children and parents of their community.

(3) Dissemination of information on current public issues affecting the local and state delivery of child care services.

(4) Facilitation of communication between existing child care and child-related services providers in the community served.

Services prescribed by this section shall be provided in order to maximize parental choice in the selection of child care to facilitate the maintenance and development of child care services and resources.

(e) (1) A program operating pursuant to this article *shall*, within two business days of receiving notice ~~shall~~, remove a licensed child day care facility with a revocation or a temporary suspension order, or that is on probation from the program's referral list.

(2) A program operating pursuant to this article *shall*, within two business days of receiving notice ~~shall~~, notify all entities, operating a program under Article 3 (commencing with Section 8220) and Article 15.5 (commencing with Section 8350) in the

program's jurisdiction, of a licensed child day care facility with a revocation or a temporary suspension order, or that is on probation.

~~(3) Once a program operating pursuant to this article notifies an entity operating a program under Article 3 (commencing with Section 8220) and Article 15.5 (commencing with Section 8350) of a revocation or a temporary suspension order, the entity, within two business days, shall do both of the following concurrently:~~

~~(A) Terminate payment to the licensed child day care facility.~~

~~(B) Notify the parents and the licensed child day care facility in writing that payment has been terminated and the reason for the termination.~~

~~(4) Once a program operating pursuant to this article notifies an entity operating a program under Article 3 (commencing with Section 8220) or Article 15.5 (commencing with Section 8350) of a probation, that entity shall provide written notice to the parents utilizing the provider that the provider has been placed on probation and that the parents have an option to locate alternate child day care arrangements or shall remain with the provider without risk of subsidy payments to the provider being terminated. A program operating pursuant to this section is urged, to the extent feasible, to provide the written notice required by this paragraph in the primary language of the parent.~~

SEC. 2. Section 8222 of the Education Code is amended to read:

8222. Payments made by alternative payment programs shall be equal to the fee charged to full-cost families in each program. Alternative payment programs may expend more than the standard reimbursement rate for a particular child. However, the aggregate payments for services purchased by the agency during the contract year may not exceed the assigned reimbursable amount as established by the contract for the year.

~~Currently funded agencies making~~*An agency may not make* payments in excess of the fee charged to full-cost families ~~shall come into compliance with this section by January 1, 1981.~~

This section does not preclude alternative payment programs from using the average daily enrollment adjustment factors for children with special needs as provided in Section 8265.5.

1 SEC. 3. Section 8226 of the Education Code is amended to
2 read:

3 8226. (a) When making referrals, every program operating
4 pursuant to this article shall provide information to any person
5 who requests a child care referral of his or her right to view the
6 licensing information of a licensed child day care facility
7 required to be maintained at the facility pursuant to Section
8 1596.859 of the Health and Safety Code and to access any public
9 files pertaining to the facility that are maintained by the State
10 Department of Social Services Community Care Licensing
11 Division.

12 (b) A written or oral advisement in substantially the following
13 form will comply with the requirements of subdivision (a):

14 “State law requires licensed child day care facilities to make
15 accessible to the public a copy of any licensing report pertaining
16 to the facility that documents a facility visit or a substantiated
17 complaint investigation. In addition, a more complete file
18 regarding a child care licensee may be available at an office of
19 the State Department of Social Services Community Care
20 Licensing Division. You have the right to access any public
21 information in these files.”

22 (c) Every program operating pursuant to this article, within
23 two days of receiving notice, shall remove from the program’s
24 referral list the name of any licensed child day care facility with
25 a revocation or a temporary suspension order or that is on
26 probation.

27 (d) *Each program operating pursuant to this article shall,*
28 *within two business days of being notified of a revocation or a*
29 *temporary suspension order for a licensed child day care facility,*
30 *do both of the following:*

31 (1) *Terminate payment to the facility.*

32 (2) *Notify each parent and the facility in writing that payment*
33 *has been terminated and the reason for the termination.*

34 (e) *Each program operating pursuant to this article shall,*
35 *upon being notified that a licensed child day care facility has*
36 *been placed on probation, provide written notice to each parent*
37 *utilizing the facility that the facility has been placed on probation*
38 *and that the parent has the option of locating alternative child*
39 *day care arrangements or remaining with the facility without risk*
40 *of subsidy payments to the provider being terminated. The*

1 *Legislature urges each agency operating pursuant to this section*
2 *to provide the written notice required by this subdivision in the*
3 *primary language of the parent, to the extent feasible.*

4 SEC. 4. Section 8352 of the Education Code is amended to
5 read:

6 8352. (a) As soon as appropriate, a county welfare
7 department shall refer families needing child care services to the
8 local child care resource and referral program funded pursuant to
9 Article 2 (commencing with Section 8210). Resource and referral
10 program staff shall colocate with a county welfare department's
11 case management offices for aid under Chapter 2 (commencing
12 with Section 11200) of Part 3 of Division 9 of the Welfare and
13 Institutions Code, or any successor program, or arrange other
14 means of swift communication with parents and case managers
15 of this aid. The local child care resource and referral program
16 shall assist families to establish stable child care arrangements as
17 soon as possible. These child care arrangements may include
18 licensed and license-exempt care.

19 (b) *Each program operating pursuant to this article shall,*
20 *within two business days of being notified of a revocation or a*
21 *temporary suspension order for a licensed child day care facility,*
22 *do both of the following:*

23 (1) *Terminate payment to the facility.*

24 (2) *Notify each parent and the facility in writing that payment*
25 *has been terminated and the reason for the termination.*

26 (c) *Each program operating pursuant to this article shall,*
27 *upon being notified that a licensed child care facility has been*
28 *placed on probation, provide written notice to each parent*
29 *utilizing the facility that the facility has been placed on probation*
30 *and that the parent has the option of locating alternative child*
31 *day care arrangements or remaining with the facility without risk*
32 *of subsidy payments to the provider being terminated. The*
33 *Legislature urges each agency operating pursuant to this section*
34 *to provide the written notice required by this subdivision in the*
35 *primary language of the parent, to the extent feasible.*